IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 1084 of 2005

Between:

1. Sri Chowdeswari Dyeing Works rep. by its Sole Proprietor
R.Raju, S/o.Ramarajaiah, Hindu, Age:46 yrs,
R/o.D.No.5/381, Vijayanagaram Street, Proddatur, Kadapa
District.
2. Sri Lakshminarasimha Dyeing, rep. by its Sole Proprietor,
B.Narasimhulu, S/o.Obulapathi, Hindu, Age:38 yrs,
R/o.D.No.26/802, Vasanthapeta, Proddatur, Kadapa
District.
3. Sri Sigamani Dyeing Works, rep. by its Sole Proprietor,
T.Sigamani, S/o.Kavuda, Hindu, Age:32 yrs,
R/o.D.No.25/368-7, Santhakumari Street, Proddatur, Kadapa
District.
4. Sri Kokila Dyeing Works, rep. by its Sole Proprietor,
G.Mahalingam, S/o.V.N.Gangadharan, Hindu, Age:35 yrs,
R/o.D.No.25/275, Santhakumari Street, Proddatur, Kadapa
District.
5. Sri Lakshmi Dyeing Works, rep. by its Sole Proprietor,

C.Palani, S/o.Chinnatambi, Hindu, Age:30 yrs,
R/o.D.No.25/661-1, Vasanthapeta, Rameswaram Road,
Proddatur, Kadapa District.

6. Sri Maruthi Dyeing Works rep. by its Sole Proprietor
J.Aswarth, S/o.Adinarayana, Hindu, Age:32 yrs,
Proddatur, Kadapa District.

7. Sri Palani Dyeing Works, rep. by its Sole Proprietor,
K.Palanikumar, S/o. Kon Reddy, Hindu, Age:32 yrs,
R/o.D.No.3-132-2, Dorasanipalli village, Proddatur, Kadapa
District.

8. Sri Selvaraj Dyeing Works, rep. by its Sole Proprietor,
T.Selvaraj, S/o.Govinda Swamy, Hindu, Age:36 yrs,
Dorasanipalli village, Proddatur, Kadapa District.

9. Jayaprakash Dyeing Works, rep. by its Sole Proprietor,
N.Jaya Prakash, S/o.Nataraj, Age:29 yrs,
Dorasanipalli village, Proddatur, Kadapa District.

10. Narayana Dyeing Works, rep. by its Sole Proprietor,
K.Narayana, S/o.K.Narayana, Hindu, Age:60 yrs,
R/o.D.No.4/65, Dorasanipalli village,
Proddatur, Kadapa District.

11. Sri Srinivasa Dyeing Works, rep. by its Sole Proprietor,
S.Muragan, S/o.S.Subrahmanyam, Age:34 yrs,
R/o.26/884, Vasanthapeta, Proddatur, Kadapa District.

12. Sri Lakshmi Prasanna Dyeing Works, rep. by its Proprietor,
M.Anand Kumar, S/o.Muthaiah, Age:42 yrs,
R/o.D.No.26/910-3, Nagendra nagar, Proddatur, Kadapa District.

13. Umamaheswari Dyeing rep. by its sole proprietor,
T.Subrahmanyam, S/o. M.Thangavel, Age:34 yrs,
R/o.D.No.3-132-1, Dorasanipalli village, Proddatur, Kadapa District.

14. Sri Manjunatha Dyeing works rep. by its proprietor,

A.Manikyam, s/o.A.Armugam, Age:40 yrs,

R/o.D.No.5/38, Vijayanagaram street, Proddatur, Kadapa District.

15. Sri Balaji Dyeing works rep. by its sole proprietor,

P.Ravi, S/o.P.Perumal, Age:40 yrs.

R/o.D.No.5/416, Sambaiahgari street, Proddatur, Kadapa District.

16. Sri Srinivasa Dyeing rep. by its Sole Proprietor,

B.Sreenivasulu, S/o.Venkataiah, Age:38 yrs,

R/o.d.No.5/42, Vijayanagaram Street, Proddatur, Kadapa District.

17. Sri Shakti Dyeing works rep. by its Sole proprietor,

G.Ramachandraiah, S/o.Guruswamy, Age:35 yrs,

R/o.D.No.26/895, Nagendra Nagar, Arts College Road, Proddatur,

Kadapa District.

18. Sri Ramesh Dyeing works rep. by its sole proprietor,

C.Ramesh, S/o.Chandra, Age:35 yrs,

R/o.D.No.6/387, Arts College Road, Proddatur, Kadapa District.

19. Sri Venkateswara Dyeing works rep. by its proprietor,

A.Devaraj, s/o.Arumugam, Age:29 yrs,

R/o.D.No.6/391, Arts College Road, Proddatur, Kadapa District.

20. Sri Satya Venkateswara Dyeing rep. by its proprietor,

C.Venkatesh, S/o.Chandra, Age:37 yrs,

R/o.D.No.26/886, Guravaiah Thota, Proddatur, Kadapa District.

21. Sri Dhanalakshmi Dyeing works rep. by its proprietor,

P.Raja, S/o.Perumal, Age:36 yrs,

R/o.D.No.25/486-2, Rameswaram, Proddatur, Kadapa District.

22. Sri lakshmi Venkateswara Dyeing rep. by its proprietor,

T.Kanna, S/o. Thangavelu, Age:32 yrs,

R/o.D.No.24/600, Vasanthapeta, Proddatur, Kadapa District.

23. Sri Saraswathi Dyeing rep. by its proprietor,

C.Murugeshan, S/o.Chinna Raja, Age:40 yrs,

R/o.D.No.5/543, Vinayaka Nagar, Proddatur, Kadapa District.

24. Sri Rajeswari Dyeing rep. by its sole proprietor,

A.Mahalingam, S/o.Arumugam, Age:39 yrs.

R/o. D.No.6/25, Gandhi Road, Opp.Venkateswara Cinema hall,

Proddatur, Kadapa District.

25. Sri Mahalingam Dyeing rep. by its Sole Proprietor,

A.Mahalingam, S/o.Arumugam, Age:39 yrs.

R/o. D.No.4/107-3, Nehru Road, Proddatur, Kadapa District.

..... PETITIONERS

AND

1. The Andhra Pradesh Pollution Control Board,

rep. by its Member Secretary,

Paryavaran Bhavan, A-3, I.E., Opp. Sanathnagar,

P.S., Sanathnagar, Hyderabad.

2. The Environmental Engineer,

Andhra Pradesh Pollution Control Board,

Regional Office, TUDA Premises (Back side)

Tataiah Gunta, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Board in not permitting the petitioners to resume their dyeing work in pursuance of their representation dated 13.01.2005 as illegal, unjust arbitrary and in violation of Articles 14 and 19(1)(g) of the Constitution of India and consequently direct the respondents to permit the petitioners to resume their Dyeing work subject to their taking all the precautions as mentioned in the representation of the petitioners dated 13.01.2005 .

Counsel for the Petitioners:MR.L.J.VEERA REDDY

Counsel for the Respondent Nos.1 and 2: MR.S.V.BHATT, SC FOR APSEB

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

The grievance of the petitioners is that on 13.1.2005, they submitted a representation to the Member Secretary, A.P. Pollution Control Board. But, so far, no decision has been taken on the said representation. In fact, petitioners are seeking recall of the order dated 14.12.2004 which order is an appealable order. But, nothing

prevents the Pollution Control Board even to dispose of the representation of the petitioners in accordance with law, and in case, there is any problem of recall, it will be for the Board to inform the petitioner of the decision taken on the said representation.

The writ petition is accordingly disposed of directing the respondents to take appropriate decision on the representation of the petitioners within a week from the date of receipt of Writ Order from this Court. No costs.

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DEVINDER GUPTA, CJ

Date: 31st January, 2005

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M. NARAYANA REDDY,J

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To

1. The Member Secretary, Andhra Pradesh Pollution Control Board,
   Paryavaran Bhavan, A-3, I.E., Opp. Sanathnagar,
   P.S., Sanathnagar, Hyderabad.
2. The Environmental Engineer,
   Andhra Pradesh Pollution Control Board,
   Regional Office, TUDA Premises (Back side)

Tataiah Gunta, Tirupathi.

3. Two CD copies.